

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

v.

CHRISTINE GREGOIRE, *et al.*,

Defendants.

Case No. C05-5731RJB/KLS

ORDER GRANTING MOTION TO
EXTEND TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's motion to extend the time within which to respond to Defendants' motion for summary judgment. (Dkt. # 90). The motion for summary judgment (Dkt. # 87) is presently noted for December 15, 2006. For the reasons stated below, the Court finds that requested extension shall be granted.

I. DISCUSSION

Pursuant to a joint motion filed by the parties, the Court entered an Order setting the dispositive motions deadline for November 17, 2006. (Dkt. # 63). Defendants filed their motion for summary judgment November 17, 2006 with a noting date of December 15, 2006. (Dkt. # 87). Plaintiff's motion for extension of time was filed on December 21, 2006. (Dkt. # 90). Plaintiff's

1 request for an extension is therefore, untimely. However, Plaintiff states that he has been in
2 segregation since November 14th with limited access to his legal files and the law library. The
3 Court finds this is sufficient reason in this case to grant the additional two weeks requested by
4 Plaintiff.

5 Accordingly, Plaintiff's motion for a two week extension of time to respond to Defendants'
6 motion for summary judgment (Dkt. # 90) is **GRANTED**. Plaintiff's response shall be due no
7 later than **February 2, 2007**. Defendants may file a reply no later than **February 8, 2007**. The
8 Clerk is directed to re-note Defendants' motion for summary judgment on the Court's calendar for
9 **February 9, 2007**. Plaintiff shall file no further papers in response to Defendants' motion other
10 than the response noted above. The parties are reminded that briefs in opposition to a motion for
11 summary judgment shall not exceed twenty-four pages and reply briefs shall not exceed twelve
12 pages.
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14 The Court also notes that Plaintiff has filed a letter to Judge Bryan (Dkt. # 92), which was
15 not served on Defendants. Plaintiff is advised that this letter has been filed, but the Court will take
16 no action with regard to it, as the letter was not properly filed as a motion and served on
17 Defendants as required by the Federal Rules of Civil Procedure.

18 The Clerk is directed to send copies of this order to Plaintiff and counsel for Defendants.

19 DATED this 18th day of January, 2007.
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23 Karen L. Strombom
24 United States Magistrate Judge
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